IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO. 469 OF 2003

Pratap Janardan Pawar. ... Appellant.
Versus.
Sou.Ujwala Pratap Pawar. ... Respondent.

Shri V.B.Rajure for the Appellant.

Shri S.R.Borulkar with Shri A.B.Vagyani for the Respondent.

CORAM : ABHAY S. OKA, J.

DATED : 4th May, 2005.

P.C.:

1. Heard the learned Counsel appearing for the parties. The Appellant is the husband and the Respondent is the wife. The Respondent-wife filed petition for restitution of conjugal rights. In the said petition, decree for restitution of conjugal rights was passed. An Appeal was preferred by the Appellant-husband to the District court and the said Appeal has been dismissed.

2. Both the Courts have recorded concurrent findings of fact that the Appellant-husband has withdrawn from the society of the Respondent-wife without any reasonable or probable cause. The Courts below have rejected the contention of the Appellant that the Respondent was and is leading an adulterous life.

3. The findings of fact recorded by the Courts below

are based on evidence on record. The findings of the Courts below are not perverse. No interference is called for in the Second Appeal under section 100 of the Code of Civil Procedure 1908. The Appeal is dismissed with no order as to costs.

Judge.